

NHSLC - BUREAU OF ENFORCEMENT - AGENDA
WEDNESDAY, SEPTEMBER 10, 2008

1. SUSPENSIONS:

a. Action Pending:

None

b. Licensees Suspended For Non-Payment of Fines:

None

c. Licensees Suspended For Non-Compliance of RSA 178:2 (Mandatory training within 45 calendar days of the issuance of liquor license):

None

2. LICENSEES WHO MAY BE ORDERED TO A HEARING:

None

3. HEARINGS SCHEDULED FOR WEDNESDAY, SEPTEMBER 10, 2008:

None

4. HEARINGS SCHEDULED:

None

5. HEARINGS WITH DATES TO BE DETERMINED:

None

6. PENDING CASES:

None

7. WARNING LETTERS/FINES:

- a. Pasta Loft Restaurant, 241 Union Square, Milford, NH.
Restaurant Full Service With Lounge License #1053803.
Licensed under RSA 178:22, V(q).
Cited for violation of RSA 179:27, II - did serve or consume alcoholic beverages in areas not approved by the Commission.
Date of violation: July 26, 2008.
Case #: 08-525-OF.
Recommendation: \$250 Administrative fine.
- b. Soho Restaurant, 49 Lowell Road Hudson, NH.
Restaurant Beverage and Liquor License #1344403.
Licensed under RSA 178:21, II(a)(1).
Cited for violation of RSA 179:5, I - did sell or serve alcoholic beverage to an underage person.
Date of violation: March 21, 2008.
Case #: 08-486-OF.
Recommendation: \$500 Administrative fine, four (4) points assessed to the liquor license, the license to sell alcohol suspended for three (3) days and held in abeyance for twelve (12) months pending no like violation, and mandatory attendance at a Total Education in Alcohol Management (TEAM) seminar within thirty (30) days of adjudication for all servers.

8. NON-CONTESTED TITLE XIII VIOLATION FINES PAID IN FULL:

- a. A To Z Beach Mart, 249 Ocean Blvd., Hampton, NH.
Combination License #3115647.
Licensed under RSA 178:18.
Cited for violation of RSA 179:5, I.
Compliance Check 8/28/08.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.
- b. Bistro Nouveau At Eastman, 6 Clubhouse Lane, Grantham, NH.
Sports Recreation Facility #6010405.
Licensed under RSA 178:22, V(j)
Cited for violation of RSA 179:5, I.
Compliance Check 7/29/08.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.
- c. Cascade Cafe, 3 D Street, Hampton, NH.
Combination License #457603.
Licensed under RSA 178:21, II(a).
Cited for violation of RSA 179:5, I.
Compliance Check 8/28/08.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.
- d. Fairbanks Elm Street Market, 130 Elm Street, Keene, NH.
Combination License #194047.
Licensed under RSA 178:18.
Cited for violation of RSA 179:5, I.
Compliance Check 8/23/08.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.
- e. High Street Market, 109 High Street, Keene, NH.
Combination License #681847.
Licensed under RSA 178:18.
Cited for violation of RSA 179:5, I.
Compliance Check 8/23/08.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.
- f. KM Campus Convenience Store, 152 Winchester Street, Keene, NH.
Combination License #3127847.
Licensed under RSA 178:18.
Cited for violation of RSA 179:5, I.
Compliance Check 8/23/08.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.
- g. Knapp Winery, 2770 County Road 128, Romulus, NY.
Direct Shippers License #8067533.
Licensed under RSA 178:27.
Cited for violation of RSA 178:27, V - did fail to file the June 2008
Direct Shipper Report by July 10, 2008.
ADMINISTRATIVE FINE \$100 PAID.
- h. Lab'N Lager Food and Spirit, 122 Main Street, Keene, NH.
Full Service Restaurant License #1327303.
Licensed under RSA 178:21, II(a).
Cited for violation of RSA 179:50, I - did allow an intoxicated person to
loiter on the premise.
ADMINISTRATIVE FINE \$250 PAID.

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- i. Mac's Convenience Store, 501 Main Street, Keene, NH.
Combination License #3182847.
Licensed under RSA 178:18.
Cited for violation of RSA 179:5, I.
Compliance Check 8/23/08.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.
- j. Marquee Selections, 3150 Mercier Street, Unit 543, Kansas City, MO.
Direct Shipper License #8033133.
Licensed under RSA 178:27.
Cited for violation of RSA 178:27, V - did fail to file the June 2008
Direct Shipper Report by July 10, 2008.
ADMINISTRATIVE FINE \$100 PAID.
- k. Romy's Market, 89 Marlboro Street, Keene, NH.
Combination License #723047.
Licensed under RSA 178:18.
Cited for violation of RSA 179:5, I.
Compliance Check 8/23/08.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.
- l. Sandri Stop Smart, 345 Winchester Street, Keene, NH.
Combination License #3190747.
Licensed under RSA 178:18.
Cited for violation of RSA 179:5, I.
Compliance Check 8/23/08.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.
- m. 7-Eleven 32504A, 849 Court Street, Keene, NH.
Combination License #3071847.
Licensed under RSA 178:18.
Cited for violation of RSA 179:5, I.
Compliance Check 8/23/08.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.
- n. Shaw's Supermarket, Riverside Plaza, 354 Winchester Street, Keene, NH.
Combination License #898447.
Licensed under RSA 178:18.
Cited for violation of RSA 179:5, I.
Compliance Check 8/23/08.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.

9. NEW LICENSES:

- a. Freetown Yankee Food Mkt. Co.,
58 Route 27, Raymond, NH 03077.
To be issued Restaurant On-Premise Beverage/Wine License #1354903
pursuant to RSA 178:20.
Recommendation: Approval.
- b. Freetown Yankee Food Mkt. Co.,
58 Route 27, Raymond, NH 03077.
To be issued Combination Off-Premise Beverage/Wine License #3209547
pursuant to RSA 178:18.
Recommendation: Approval.

10. REQUESTS FOR SOLICITORS/REPRESENTATIVE AND DIRECT SHIPPER APPLICATION:

- a. Aldrich Vineyards,
17051 Airline Highway, Paicenes, CA 95043.
To be issued Direct Shipper License #8132833 pursuant to RSA 178:27.
Recommendation: Approval.
- b. Arrowhead Mountain Winery Corp. DBA Arrowhead Mountain Vineyards,
2352 Thornsberry Road, Sonoma, CA 95476.
To be issued Direct Shipper License #8132333 pursuant to RSA 178:27.
Recommendation: Approval.
- c. Envy Wines LLC,
1170 Tubbs Lane, Calistoga, CA 94515.
To be issued Direct Shipper License #8132633 pursuant to RSA 178:27.
Recommendation: Approval.
- d. Firehouse LLC DBA Tamarack Cellars,
700 C Street, Walla Walla, WA 99362.
To be issued Direct Shipper License #8132533 pursuant to RSA 178:27.
Recommendation: Approval.
- e. Petroni Vineyards LLC DBA Petroni Vineyards,
990 Cavedale Road, Sonoma, CA 95476.
To be issued Direct Shipper License #8132433 pursuant to RSA 178:27.
Recommendation: Approval.
- f. Sapphire Wines LLC DBA EOS Estate Winery,
5625 East Highway 46, Paso Robles, CA 93446.
To be issued Direct Shipper License #8132733 pursuant to RSA 178:27.
Recommendation: Approval.

11. PETITION FOR COMMISSION APPROVAL:

- a. Boston Corp. of Mt. Washington Valley, Inc. DBA Dana Place Inn,
Route 16, Jackson, NH 03846.
Hotel On-Premise Cocktail Lounge License #202002 licensed pursuant to
RSA 178:22, V(k).
Requests approval for an outside area, to wit, a tented area behind the main
Inn appropriately sanctioned off on September 20, 2008 from 2pm to 12am
pursuant to RSA 178:24 and Liq. 404.05.
Recommendation: Approval.
- b. Craft Brewers Alliance, Inc. DBA Redhook Ale Brewery,
35 Corporate Drive, Portsmouth, NH 03801.
Beverage Manufacturer Off-Premise Beverage Only License #287718
licensed pursuant to RSA 178:22, V(k).
Requests approval for an outside area, to wit, an area on the side lawn
appropriately sanctioned off on September 6, 2008 from 12pm to 8pm pursuant
to RSA 178:24 and Liq. 404.05.
Recommendation: Verbal approval given on 9/05/08 per Major Feyrer.
- c. Henniker Junction Restaurant, Inc. DBA Henniker Junction Restaurant,
316 Weare Road, Henniker, NH 03242.
Restaurant On-Premise Cocktail Lounge License #1167803 licensed pursuant to
RSA 178:22, V(q).
Requests approval for an outside area, to wit, the courtyard area
appropriately sanctioned off pursuant to RSA 178:24 and Liq. 404.05.
Recommendation: Approval.

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- d. Loon Mountain Recreation Co. DBA Governor Adams Lodge,
Kancamangus Highway, Lincoln, NH 03251.
Sports Recreation Facility On-Premise Cocktail Lounge License #284805
licensed pursuant to RSA 178:22, V(v).
Request approval for outside areas, to wit, a beer garden area appropriately
sanctioned off from September 19, 2008 through September 21, 2008 pursuant
to RSA 178:24 and Liq. 404.05.
Recommendation: Approval.
- e. Loon Mountain Recreation Co. DBA Octagon Lodge,
Kancamangus Highway, Lincoln, NH 03251.
Restaurant On-Premise Beverage/Wine License #404103 licensed pursuant to
RSA 178:20.
Requests approval for outside areas, to wit, a parking lot area
appropriately sanctioned off from September 19, 2008 through September 21,
2008 pursuant to RSA 178:24 and Liq. 404.05.
Recommendation: Approval.
- f. Summit Steakhouse and Tavern LLC DBA Summit Steakhouse and Tavern,
719 Route 12, Westmoreland, NH 03467.
Restaurant On-Premise Cocktail Lounge License #1366103 licensed pursuant to
RSA 178:22, V(q).
Requests approval for an outside area, to wit, the courtyard area
appropriately sanctioned off pursuant to RSA 178:24 and Liq. 404.05.
Recommendation: Verbal approval given on 9/3/08 per Major Feyrer.

12. COMMISSION DECISIONS PENDING:

- a. Haluwa Restaurant, 44 Gusabel Avenue, Nashua, NH.
Restaurant Full Service With Lounge License #416503.
Licensed under RSA 178:21, II(a)(1)/178:22, V(q).
Cited for violation of RSA 179:5, I - did sell or serve alcoholic beverage
to an intoxicated person.
Date of violation: January 11, 2008.
Hearing date: February 25, 2008.
Commission Decision dated March 14, 2008: An Administrative fine of \$1,000,
four (4) points assessed to the liquor license, and the license to sell
alcoholic beverages suspended for three (3) consecutive days.
The Licensee filed a Motion for Re-hearing on April 8, 2008.
The Bureau of Enforcement filed an Objection to Motion for Re-hearing on
May 6, 2008.
- b. Henniker Junction Restaurant, 24 Weare Road, Henniker, NH.
Restaurant Full Service With Lounge License #1167803.
Licensed under RSA 178:21, II(a)(1)/178:22, V(q).
Cited for violation of RSA 179:50, II - did allow the premise to be used for
any purpose that was contrary to law.
Date of violation: February 7, 2008.
Hearing date: April 23, 2008.
- c. C & K Restaurant, 3 East Broadway Street, Derry, NH.
Restaurant Beverage and Liquor License #256803.
Licensed under RSA 178:21, II(a)(1).
Cited for violation of RSA 179:5, I - did sell or serve alcoholic beverage
to an underage person during a compliance check.
Date of violation: May 30, 2008.
Hearing date: July 22, 2008.

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- d. Standing Stone Vineyards, 9934 Route 414, Hector, NY.
Direct Shipper License #8086533.
Licensed under RSA 178:27.
Cited for violation of RSA 178:27, V - did fail to file a Direct Shipper Report by the 10th of the following month.
Date of violation: February 25, 2008.
Hearing date: July 22, 2008.

13. **COMMISSION DECISIONS AFTER HEARING:**

14. **MISCELLANEOUS ITEMS:**

- a. Questions from Auditing regarding the collection of taxes at NH wineries as follows:
 - 1. 5 % tax on all retail sales at the winery and farmer's markets.
 - 2. 5% tax on wholesale sales to NH Licensees for resale.

Taxes are not being collected on sales to the NH Liquor Commission, on sales to out-of-state vendors, and on product used for tasting at the winery. Is this correct based on your reading of the statute?

Taxes are being collected on product used for sampling and tasting outside the winery and on products shipped directly to out-of-state consumers or retail businesses (direct shipments). Is this correct procedure as you read the law?

Does this agree with your reading of the winery statute or are there are areas of concern? I am requesting a review due to the increase in direct shipments to out-of-state individuals and businesses which are outside the normal wholesale channels.

TABLED BY THE COMMISSION ON MAY 28, 2008 UNTIL CHAIRMAN BODI IS AVAILABLE FOR DISCUSSION.

- b. Mass Bay Brewing Company, Inc.,
306 Northern Avenue, Boston, MA 02210.
Beverage Vendor Off-Premise Beverage Only License #9131 licensed pursuant to RSA 178:15.
Requests approval for a specialty beer product above 12% alcohol.
Specialty beer product has an alcohol content of 13.1% by volume. If approved, this product will only be sold in 1/6 barrel kegs.
Recommendation: **To be discussed.**

15. **EXECUTIVE SESSION ITEMS:**